

Distinguished Members of the FCC,
I respectfully urge the FCC to reject the NAB's petition 04-160. I recently purchased a new car and subscribed to XM radio. XM provides me a service that local broadcasters could never replicate.

24 hour weather and traffic has proved to be a vital service. In fact just this week during the major rainstorms in the Midwest, XM's Instant Traffic & Weather was invaluable at letting me know road closures and weather conditions that allowed me to safely navigate my way home from work. And unlike traditional broadcasters, I did not need to wait for news to cycle through to the "8's" to receive the information I desired. I pay for these services and it should not be up to the National Association of Broadcasters to dictate what I am permitted to hear. This is especially true when programming content concerns my families' and my safety.

The fact that you are considering such a petition is absurd. Unlike your other absurd issue of preventing first the first amendment right of "shock jocks" you deem to be publicly unacceptable, and restricting those individuals' rights to broadcast on the "free airways" by levying indeterminable fines, this is a market in which I am making a conscious choice. I pay for the services I am receiving from XM Radio. Now you are considering the prevention of free speech in the subscription radio market. So you are pondering the limitation of my ability to hear programming in both the "free media" and the subscription media. And with regard to the subscription media, the information is clearly not objectionable on moral grounds to anyone, including you. This content is traffic and weather conditions, and surely you understand that it can help ensure the safety of all motorists. I hope that my argument demonstrates why I chose the word "absurd" to describe your consideration of NAB's petition 04-160. No disrespect to you is meant with respect to this issue, but you must understand that where information related to public safety is concerned, I can get impassioned. As for the issue of censorship of "shock jocks", it is difficult for me to find respect for any action that knowingly impinges on First Amendment rights where no one is being harmed.

The greatness of this country lies in the First Amendment. Without it vital information might not be available to its citizens. Obviously, the First Amendment is a dual edged sword and that is why you, the FCC, are in existence. Misinformation could create horrible consequences. Too much or too little information could create horrible consequences. However, I would suggest to you that the FCC's "watchdog" power like the First Amendment, is also a dual edged sword. On NAB's petition 04-160 the NAB is seeking to limit information to the public. You must ask "Why?". Is this limitation in the interest of the public or is this limitation in the interest of large monopolies that will do anything to control vital information, such as traffic and weather conditions, to fatten their pockets? Please ask yourselves these questions and use your power wisely to protect the flow of information that is clearly helpful to our society as a whole.

Thank you for your consideration in this matter.

Joel Lewis